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IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF CALIFORNIA
SAN JOSE DIVISION

Myrra May, NO. C 09-00459 JW

Plaintiff,

v.

**ORDER VACATING CASE
MANAGEMENT CONFERENCE**

Washington Mutual Brokerage Holdings,
Inc., et al.,

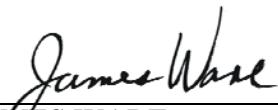
Defendants.

This case is scheduled for a Case Management Conference on December 7, 2009. Pursuant to the Federal Rules of Civil Procedure and Local Rules of this Court, the parties conferred and duly submitted a Joint Case Management Statement. (hereafter, "Statement," Docket Item No. 50.)

On October 21, 2009, the Court issued an Order Granting Motion to Dismiss as to Plaintiff's TILA Claim with leave to amend. (See Docket Item No. 44.) On November 17, 2009, Plaintiff filed a Second Amended Complaint, adding the Federal Deposit Insurance Corporation (FDIC) as a Defendant. (See Docket Item No. 48.) In the Statement, Defendant JPMorgan represents that it intends to file a Motion to Dismiss Plaintiff's Second Amended Complaint. (Statement at 5.) Since Defendant JPMorgan's anticipated Motion may be dispositive, the Court finds that a Case Management Conference would be premature at this time.

1 Accordingly, the Court VACATES the Case Management Conference. In its Order
2 addressing the anticipated Motion, the Court will set a new date for a Case Management Conference,
3 if necessary.

4
5 Dated: December 2, 2009
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JAMES WARE
United States District Judge

1 **THIS IS TO CERTIFY THAT COPIES OF THIS ORDER HAVE BEEN DELIVERED TO:**

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6

7 **Dated: December 2, 2009**

8 **Richard W. Wiking, Clerk**

9 **By: /s/ JW Chambers**
10 **Elizabeth Garcia**
11 **Courtroom Deputy**